

Judge Hellerstein

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA : INFORMATION

-v.- : 11 Cr.

WAQAS MAZHAR,
a/k/a "Fazil Noor,"
a/k/a "Nair Mungal,"
a/k/a "Lama Dev,"
a/k/a "Dara Datta,"
Defendant.

1100M 343

COUNT ONE

(Bank Fraud Conspiracy)

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: APR 12 2011

The United States Attorney charges:

1. From in or about 2009, up to and including in or about December 2010, in the Southern District of New York and elsewhere, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, and others known and unknown, unlawfully, willfully, and knowingly, would and did execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit

Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 4, 2009, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, opened a bank account in Bronx, New York.

b. On or about December 4, 2009, a co-conspirator not charged as a defendant herein ("CC-1") opened a bank account in Bronx, New York from which MAZHAR subsequently withdrew over \$22,000 in proceeds from a stolen check.

(Title 18, United States Code, Section 1349).

COUNT TWO

(Bank Fraud)

The United States Attorney further charges:

4. From at least in or about 2009, up to and

*Ex parte
Waif*

including in or about December 2010, in the Southern District of New York and elsewhere, WAQAS MAZHAR, a/k/a "Nair Mungal," a/k/a "Fazil Noor," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, unlawfully, willfully, and knowingly did execute, and attempt to execute, a scheme and artifice to defraud financial institutions, namely, JP Morgan Chase Bank and Bank of America, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, to wit, MAZHAR, and others known and unknown, opened bank accounts using fake foreign passports and other false documents, deposited stolen checks into such accounts, and subsequently withdrew certain of the funds from such accounts for personal use.

(Title 18, United States Code, Sections 1344 & 2.)

COUNT THREE

(Access Device Fraud Conspiracy)

The United States Attorney further charges:

5. From in or about July 2010, up to and including in or about December 2010, in the Southern District of New York and elsewhere, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did

combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 1029(a)(3) and 1029(a)(5) of Title 18, United States Code.

6. It was a part and an object of the conspiracy that WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, and others known and unknown, unlawfully, willfully, and knowingly, and with intent to defraud, as part of an offense affecting interstate commerce, would and did possess fifteen and more devices which were counterfeit and unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3).

7. It was further a part and an object of the conspiracy that WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, and others known and unknown, unlawfully, willfully, and knowingly, and with intent to defraud, as part of an offense affecting interstate commerce, would and did effect and attempt to effect transactions, with one and more access devices issued to another person and persons, to receive payment and any other thing of value during any 1-year period, the aggregate value of which is equal to and greater than \$1,000, in violation of Title 18, United States Code, Section 1029(a)(5).

OVERT ACTS

8. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about July 2010, CC-1 gave WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, over 250 unauthorized credit cards issued in other people's names.

b. In or about November 2010, working with CC-1, MAZHAR obtained credit card processing terminals.

(Title 18, United States Code, Section 1029(b) (2)).

COUNT FOUR

(Access Device Fraud)

The United States Attorney further charges:

9. From in or about July 2010, up to and including in or about December 2010, in the Southern District of New York and elsewhere, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, unlawfully, willfully, and knowingly, and with intent to defraud, as part of an offense affecting interstate commerce, did possess fifteen and more devices which were counterfeit or unauthorized access devices, to wit, MAZHAR possessed over 250 credit cards issued in other people's names, which CC-1 provided to him and which he

intended to use as part of scheme to defraud by placing fraudulent charges through those cards at phony businesses.

(Title 18, United States Code, Sections 1029(a)(3) & 2).

COUNT FIVE

(Identification Documents Fraud)

The United States Attorney further charges:

10. From in or about 2009, up to and including in or about December 2010, in the Southern District of New York and elsewhere, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, unlawfully, willfully, and knowingly, and with intent to defraud, did possess with intent to use unlawfully and transfer unlawfully five and more false identification documents, in and affecting interstate commerce, and which were transported in the mail in the course of such possession, to wit, MAZHAR possessed over 10 Pakistani passports that each bear his photograph but not his name for use in schemes to obtain money from banks and other financial institutions to which he was not entitled.

(Title 18, United States Code, Sections 1028(a)(3) & 2).

COUNT SIX

(False Statement in an Executive Branch Matter)

The United States Attorney further charges:

11. In or about October 2008, in the Southern District of New York, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a

"Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, unlawfully, willfully, and knowingly, falsified, concealed, and covered up by trick, scheme, and device a material fact and made materially false, fictitious, and fraudulent statements and representations, to wit, MAZHAR falsely stated to officials of the Department of Homeland Security that he arrived in the United States in or about 2008, when, in truth and in fact, and as he well knew, he arrived in or about 2000.

(Title 18, United States Code, Section 1001.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

12. As a result of committing the offenses alleged in Counts One and Two of this Information, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, shall forfeit to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(2)(A) and 28 U.S.C. § 2461, a sum of money equal to approximately \$271,100 in United States currency, representing the amount of proceeds obtained directly or indirectly as a result of the offenses charged in Counts One and Two, to wit, conspiracy to commit bank fraud, and bank fraud.

FORFEITURE ALLEGATION AS TO COUNTS THREE AND FOUR

13. As a result of committing the offenses alleged in

Counts Three and Four of this Information, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(2)(B) and 28 U.S.C. § 2461, any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such violations, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offenses charged in Counts Three and Four, to wit, conspiracy to commit access device fraud, and access device fraud. Also as a result of committing the offenses alleged in Counts Three and Four of this Information, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any personal property used or intended to be used to commit the offenses charged in Counts Three and Four.

FORFEITURE ALLEGATION AS TO COUNT FIVE

14. As a result of committing the offense alleged in Count Five of this Information, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(2)(B) and 28 U.S.C. § 2461, any property constituting, or derived from, proceeds obtained

directly or indirectly as a result of such violations, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense charged in Count Five, to wit, identification documents fraud. Also as a result of committing the offense alleged in Count Five of this Information, WAQAS MAZHAR, a/k/a "Fazil Noor," a/k/a "Nair Mungal," a/k/a "Lama Dev," a/k/a "Dara Datta," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1028(b)(5), any personal property used or intended to be used to commit the offense charged in Count Five.

Substitute Asset Provision

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the

United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981, 982, 1028, and 1029
Title 21, United States Code, Section 853, and
Title 28, United States Code, Section 2461.)


Preet Bharara
PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

WAQAS MAZHAR,
a/k/a "Fazil Noor,"
a/k/a "Nair Mungal,"
a/k/a "Lama Dev,"
a/k/a "Darra Datta,"

Defendant.

INFORMATION

11 Cr.

(18 U.S.C. §§ 1349, 1344, 1029(a)(3) &
(b)(2), 1028(a)(3) & 2)

PREET BHARARA
United States Attorney.

7/12/11 - Waiver + information filed; Deft arraigned on information - 1hr
Deft pres. w/atty. Lisa Scialo, AUSA Nicole Friedlander pres, Court
reporter Gould Tascione pres. Deft enters a plea of guilty ~~PSI~~
~~Guilty~~; Sentencing set for 7/29/11 @ 11:00 am. Deft could remanded
Control date Hellerskin, J.